

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
:
Steven Holliday : Case No. 09-859-TR-CVF

- - -

PROCEEDINGS

before Ms. Katie Stenman and Mr. Scott Farkas,
Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street, Room 11-D,
Columbus, Ohio, called at 10:00 a.m. on Wednesday,
January 27, 2001.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

Richard Cordray
Ohio Attorney General
By Ms. Sarah J. Parrot
Public Utilities Section
180 East Broad Street, Floor 9
Columbus, Ohio 43215

On behalf of the PUCO Staff.

Mr. Steven Holliday
5311 Duncan Street, Apt 2
Pittsburgh, Pennsylvania 15201

Pro Se.

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

- - -

WITNESSES	PAGE
ROBERT KERNIK	
Direct examination by Ms. Parrot	6
Examination by Examiner Stenman	20
Examination by Examiner Farkas	22
Continued direct by Ms. Parrot	22
JONATHAN FRYE	
Direct examination by Ms. Parrot	24
STEVEN HOLLIDAY	
Direct testimony by Mr. Holliday	35
Examination by Examiner Stenman	38
Examination by Examiner Farkas	41
Cross-examination by Ms. Parrot	44
ROBERT KERNIK	
Further direct by Ms. Parrot	49
Examination by Examiner Farkas	52

- - -

STAFF EXHIBITS	ID'D	REC'D
1 - Driver/Vehicle Examination Report	10	23
2 - Fine Schedule, Out of Service Violations	29	35
3 - Notice of Apparent Violation and Intent to Assess Forfeiture	32	35
4 - Notice of Preliminary Determination	33	35

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Wednesday Morning Session,
January 27, 2001.

- - -

EXAMINER STENMAN: The Public Utilities Commission of Ohio has assigned for this time and place Case No. 09-859-TR-CVF, being in the matter of the request for Steven Holliday for an administrative hearing.

My name is Katie Stenman and with me is Scott Farkas, we are the Attorney Examiners assigned by the Commission to hear this case.

At this time I'd like to take appearances of the parties starting with staff.

MS. PARROT: Good morning, your Honors. On behalf of the staff of the Public Utilities Commission of Ohio, Richard Cordray, Ohio Attorney General, Duane W. Lucky, Section Chief, by Sarah J. Parrot and Thomas G Lindgren, Assistant Attorneys General, 180 East Broad Street, Columbus, Ohio 43215.

EXAMINER STENMAN: And, Mr. Holliday, if you'd identify yourself.

MR. HOLLIDAY: Steven Holliday, 5311 Duncan Street, Pittsburgh, Pennsylvania.

EXAMINER STENMAN: How do you spell your last name?

1 MR. HOLLIDAY: H-o-l-l-i-d-a-y.

2 EXAMINER STENMAN: Thank you,

3 Mr. Holliday.

4 And at this time I just want to make sure
5 that you're choosing to go forward without an
6 attorney. You know you could have retained counsel
7 if you so chose.

8 MR. HOLLIDAY: Okay, I didn't know, but,
9 yes.

10 EXAMINER STENMAN: And you're choosing to
11 go forward at this point?

12 MR. HOLLIDAY: Right, correct.

13 EXAMINER STENMAN: Have you been to one
14 of these proceedings before?

15 MR. HOLLIDAY: No, I have not.

16 EXAMINER STENMAN: Just for clarity
17 what's going to happen, the Attorney General will
18 have a chance to call her witnesses, she'll ask them
19 questions and then you'll have an opportunity to ask
20 questions of those witnesses.

21 When she's done with her case then you'll
22 have an opportunity to make a statement if you so
23 choose, and then she'll have the ability to ask
24 questions of you.

25 MR. HOLLIDAY: Okay.

1 EXAMINER STENMAN: Do you have any
2 questions before we get started?

3 MR. HOLLIDAY: No, I do not.

4 EXAMINER STENMAN: We ready to proceed?
5 You may call your first witness.

6 MS. PARROT: The staff calls Officer
7 Robert Kernik to the witness stand.

8 (Witness sworn.)

9 - - -

10 ROBERT KERNIK
11 being first duly sworn, as prescribed by law, was
12 examined and testified as follows:

13 DIRECT EXAMINATION

14 By Ms. Parrot:

15 Q. Good morning, Officer Kernik. Would you
16 please state and spell your name for the record?

17 A. Robert Kernik. Last name K-e-r-n-i-k.

18 Q. Thank you.

19 And your business address please?

20 A. That would be Cambridge, Ohio. State
21 Highway Patrol Post 30.

22 Q. Are you also employed by the State
23 Highway Patrol I assume?

24 A. Yes.

25 Q. How long have you been employed by the

1 Highway Patrol?

2 A. Well, ten years with Public Utilities
3 Commission and 13 years and six months with the State
4 Highway Patrol.

5 Q. What is your title or in what capacity
6 are you employed with the Patrol?

7 A. Motor carrier enforcement officer.

8 Q. Thank you.

9 And would you please tell us what your
10 job duties are?

11 A. Motor carrier inspection regarding
12 trucking industry.

13 Q. And generally what does that encompass?

14 A. Enforcing Federal Motor Carrier
15 regulations.

16 Q. What equipment has been issued to you so
17 that you may perform your job?

18 A. Laptop computer, cruisers, training.
19 Creepers so you can get underneath for level 1
20 inspection to check the brakes and things. Copy of
21 the Federal Motor Carrier regulations and the hazmat
22 regulations.

23 Q. And the uniform that you're wearing today
24 as well?

25 A. Yes.

1 Q. Thank you.

2 What part of the state are you assigned
3 to patrol?

4 A. District 7.

5 Q. And what counties does that include?

6 A. Monroe, Belmont, Guernsey, Noble,
7 Washington, Muskingum, Tuscarawas, Jefferson,
8 Harrison, Carroll Counties.

9 Q. Do you hold any certifications or have
10 you received any special training?

11 A. Yes. We're sent to North American
12 Vehicle Inspection Level 1 inspection course, hazmat
13 inspection course, all packaging inspection, motor
14 coaches inspection course. Yearly in-service
15 training and periodic training throughout the year in
16 the event there's any changes in regulations.

17 Q. Were you on duty on May 27 of 2009?

18 A. Yes, I was.

19 Q. And on that date did you have occasion to
20 inspect a vehicle operated by Appliance Warehouse and
21 driven by Steven Holliday?

22 A. Yes, I did.

23 Q. And what prompted you to conduct an
24 inspection?

25 A. That day we were working at the Cambridge

1 scales facilities and when I finished a truck, I came
2 back in and next available truck that comes down that
3 I'd like to inspect I had pull around back. I have a
4 USSP number 5 truck come across the ramp.

5 Q. And that's the reason that you stopped
6 this particular vehicle that day?

7 A. Yes.

8 Q. Was that based on --

9 A. When I finished my last inspection I come
10 back in and when I got ready, I count to number 5 and
11 then there's a different listing on here for the
12 reason code which I didn't find out till I got to the
13 back and entered their DOT number into my laptop
14 computer. Give me an ISSS.

15 Q. What does that score represent?

16 A. That score represents company safety
17 rating from good, optional, to must inspect.

18 Q. And so based on the score for this
19 vehicle --

20 A. That is the reason code on the
21 inspection, yes. On DOT.

22 Q. And you're referring to a report. Is
23 that a report that you generated during the course of
24 this inspection?

25 A. Yes.

1 Q. And would you please just generally
2 describe what that report -- what type of information
3 it contains?

4 A. Okay, level 1 inspection, that consists
5 of measurements, brake measurements on the truck,
6 driver interview, checking insurance and everything
7 on the truck. And company insurance. General safety
8 on the truck.

9 Q. And it would note any violations that you
10 find during the course of the inspection?

11 A. Yes.

12 Q. Thank you.

13 MS. PARROT: May I approach the witness,
14 your Honors?

15 EXAMINER STENMAN: Sure.

16 MS. PARROT: Your Honor, at this time I
17 would like to mark for identification purposes Staff
18 Exhibit 1.

19 EXAMINER STENMAN: It will be so marked.

20 (Exhibit marked.)

21 MS. PARROT: And, Mr. Holliday, do you
22 have a copy of what's been marked as Staff Exhibit 1
23 before you?

24 MR. HOLLIDAY: Yes.

25 MS. PARROT: Thank you.

1 By Ms. Parrot:

2 Q. Officer Kernik, would you please direct
3 your attention to what's been marked as Staff
4 Exhibit 1. Do you recognize this document?

5 A. Yes.

6 Q. And would you identify it for us please?

7 A. This is the inspection that I produced.

8 Q. And this report was prepared by you?

9 A. Yes.

10 Q. And was it prepared as part of your
11 official job duties?

12 A. Yes.

13 Q. You've given us an overview of the type
14 of information it contains. Would you please tell us
15 how you prepared this report?

16 A. After I pulled the truck first thing I go
17 around back, I have to give a plate number off either
18 the tractor or the trailer with -- let them know I'm
19 signal 3.

20 And I proceed to enter the DOT number or
21 the motor carrier number on the truck in the Aspen
22 program, which brings up general information;
23 company's name and address.

24 Then I approach the driver, explain to
25 him why I pulled -- wouldn't let him go through, and

1 ask for documents that I need from the driver;
2 license, medical card, bills of lading if they're
3 loaded, truck registration, logbook if they need one.

4 And then I go back to my car -- cruiser
5 and enter that information and I go back and I start
6 the inspection process. Which starts with the
7 lights, everything, check the general outside, tires
8 and everything.

9 Then on the level 1 last thing I'll do is
10 get underneath the truck on the creeper and start
11 going back and measure all the brakes, write down all
12 that information. Go back to my cruiser and then
13 start listing any violations that I noted.

14 Q. Thank you.

15 You mentioned Aspen software I believe?

16 A. Yes.

17 Q. Or an Aspen program?

18 A. Yes.

19 Q. Is that something that's issued to you as
20 part of your job?

21 A. Yes. That's the program that's in our
22 laptop computers for the purpose of conducting the
23 inspections.

24 Q. So you use that laptop and that Aspen
25 software to prepare this report?

1 A. Yes.

2 EXAMINER STENMAN: Just for clarity, what
3 does Aspen stand for if you know?

4 THE WITNESS: No.

5 EXAMINER STENMAN: Okay.

6 EXAMINER FARKAS: But it's a federal
7 program?

8 THE WITNESS: Yes, it's federal.

9 Q. Is this report in a standard format
10 that's used for all drivers and carrier inspections?

11 A. Yes.

12 Q. And please take a moment to look at Staff
13 Exhibit 1. Is it an accurate representation of the
14 actual report that was issued to you -- or, issued by
15 you that day?

16 A. Yes.

17 Q. What do you do after this report has been
18 prepared?

19 A. After I note all violations if any and
20 then I print off a copy and approach the driver again
21 and explain to him what violations I found and any
22 problems that might have to be taken care of right
23 there and whether the vehicle or driver or both were
24 out of service.

25 Q. And is a copy of the report given to the

1 driver as well?

2 A. Yes.

3 Q. Do you also send a copy of this report to
4 the Public Utilities Commission of Ohio?

5 A. Yes. Completion of the day's work I get
6 into the completed files transfer, tag my
7 inspections, and then upload them to Columbus.

8 Q. So it's uploaded through your computer
9 system.

10 A. Yes.

11 Q. I'd like to just briefly walk through the
12 report itself. And let's start in the upper right
13 corner. I see there's a report number. Would you
14 please tell us what that represents?

15 A. That is report number in sequence of each
16 inspection that I do, which would be the last four
17 digits.

18 Q. And the first four digits I believe are
19 your badge number; is that correct?

20 A. Yes.

21 Q. The inspection date was May 27, 2009; is
22 that correct?

23 A. Yes.

24 Q. And then it looks like we also have a
25 time that the inspection started and ended.

1 A. Yes.

2 Q. And you already mentioned that this was a
3 level 1 full inspection.

4 A. Yes.

5 Q. I think already described for us what
6 that entails, so thank you for doing that.

7 Let's move down to the next section of
8 the report. What do we see there?

9 A. Appliance Warehouse on the left corner
10 would be the company's name, Appliance Warehouse,
11 address, phone number, and their USDOT number, and
12 off to right a little bit is their motor carrier
13 number.

14 Q. How do you obtain that information?

15 A. Off the side of the vehicle.

16 Q. Thank you.

17 A. Through their regulation they have to
18 have the markings on it.

19 Q. Over to the right?

20 A. Driver's name, license number and birth
21 date and state.

22 Q. How do you obtain --

23 A. Ask for the driver's license.

24 Q. All right, thank you.

25 Let's move down to the location

1 information. Do you see that?

2 A. Yes.

3 Q. And please tell us where this inspection
4 occurred.

5 A. Okay, this occurred at permit scale in
6 Cambridge, Ohio on Interstate 70, and it was
7 westbound scale.

8 Q. Westbound? And it looks like it occurred
9 in Guernsey County; is that correct?

10 A. Yes.

11 Q. The vehicle identification information,
12 how do you obtain --

13 A. The tractor -- through tractor
14 registration. On the trailer I normally get that
15 information from registration and the vehicle
16 identification.

17 Q. Continuing down I see you have some brake
18 adjustments noted there.

19 A. Yes.

20 Q. And those were findings that you made as
21 a result of the inspection of the vehicle's brakes?

22 A. Yes, chamber size, the actual size of the
23 brake chamber and the allowable amount that that push
24 rod is allowed to travel when the service brakes are
25 bad.

1 Q. Let's look at the violation section in
2 the middle of the report. And I see you've noted a
3 number of violations there and it looks like the
4 first several violations are brake related
5 violations; is that correct?

6 A. Yes.

7 Q. And those are actually not at issue today
8 in this proceeding so I'd like to ask you if you
9 would move down to the very last violation you've
10 noted. And please kind of walk us from the left side
11 of the report over to the right and tell us what we
12 have there.

13 A. The violation section code is in our
14 Aspen program which would be Federal Motor Carrier
15 Regulation 391.11. It is a driver's violation. That
16 would be under "Unit." And the "OOS" is out of
17 service, "Y" meaning yes.

18 Q. So this was an out of service violation?

19 A. Yes. In our Federal Motor Carrier. Upon
20 examination of the driver's license they had a
21 corrected lens restriction on his license on the CDL
22 not to be operated without.

23 Also on our Leads program which is also
24 in our computers, we run driver's license and check
25 for validity, that restriction also showed up on

1 there.

2 I asked the driver if he had his glasses
3 with him, did not. I always ask do you wear -- if
4 they don't have them, do you have contacts in. He
5 did not. And at no time did he produce a pair of
6 glasses. So I knew that I had no recourse but to
7 place the driver out of service

8 Q. And what does that mean when you place
9 the driver out of service for this type of violation?

10 A. He cannot drive that vehicle until that
11 out of service issue is lifted.

12 Q. Thank you.

13 A. That's the only way that would be able to
14 happen. He would have to produce a pair of glasses.

15 Q. And so at no time during the inspection
16 from the beginning of the inspection to the end did
17 the driver present you with a pair of eyeglasses or
18 contact lenses.

19 A. No. If they do then he would have been
20 released.

21 Q. And again, you noted that some type of
22 corrective lenses were required based on a
23 restriction on the CDL, the commercial driver's
24 license; is that correct?

25 A. Yes.

1 Q. Thank you very much.

2 And at the bottom of the report I see
3 that it notes that the report was prepared by you.
4 Correct?

5 A. Yes.

6 Q. And that a copy was given to the driver,
7 Mr. Holliday.

8 A. Yes.

9 MS. PARROT: Thank you very much.

10 I believe I have no further questions for
11 the witness, your Honor.

12 EXAMINER STENMAN: Mr. Holliday, do you
13 have any questions for Officer Kernik?

14 MR. HOLLIDAY: Yes, and we go back to the
15 violation code 391.11 in which we were here in which
16 he stated at no point did I ever have glasses. I did
17 have glasses and I showed them to Officer Kernik.

18 EXAMINER STENMAN: You're going to have
19 an opportunity to make a statement. This is your
20 opportunity to ask questions of the witness if you
21 have any for him.

22 MR. HOLLIDAY: None, no.

23 EXAMINER STENMAN: Okay.

24 MS. PARROT: I would move for the
25 admission of Staff Exhibit 1 at this time.

1 EXAMINER STENMAN: We have a couple of
2 questions for the witness.

3 - - -

4 EXAMINATION

5 By Examiner Stenman:

6 Q. First of all, going back, you stated you
7 got a company score from the Aspen program?

8 A. Yes.

9 Q. What is that?

10 A. That's a safety rating that is issued to
11 the company by the number of inspections generated
12 across the United States. Always goes into Federal
13 Motor Carrier Department of Transportation,
14 Washington, DC, and Federal Department of
15 Transportation based on the company's previous
16 history of violations issued, and the score from 1 to
17 100, 100 being the worst, 1 being the best on safety.

18 Q. And then what do you do with those
19 scores?

20 A. That's how we determine to put on our
21 reason code. You can use that process if we're at a
22 laptop or computer inside the scales we can set their
23 DOT numbers and we get a high score, we use that as
24 the reason for the inspection.

25 Q. And in this case was that one of the

1 reasons for the inspection?

2 A. In this case when I come in I didn't have
3 access to that computer when I come in. I got ready
4 to do another inspection, I have a USSP, which is
5 Unified Safety Selection Process, and I myself it's
6 fifth truck coming across the scale pad.

7 Q. Okay.

8 A. Once I get ready to do another
9 inspection --

10 Q. And moving on, what happened after you
11 placed Mr. Holliday out of service?

12 A. I informed him that he could not drive
13 the vehicle, first of all, with the corrective lens
14 not being worn, and also the out of service condition
15 regarding his brakes on the truck.

16 And had him -- instructed him to park --
17 we always park our vehicles at one end of our parking
18 lot at the scales. And if we can assist them in way,
19 we will.

20 Q. Do you know what happened after that, if
21 someone just came and --

22 A. No, I do not. I go back to doing my job
23 basically.

24 EXAMINER STENMAN: Do you have any
25 questions?

1 - - -

2 EXAMINATION

3 By Exainer Farkas:

4 Q. So after the completion of your
5 inspection you put him out of service, did he back
6 the truck up or leave it there or what happened?

7 A. He parked the truck in the designated
8 area where I instructed him to.

9 Q. And then did you see him leave or --

10 A. No.

11 Q. That was the end of your inspection.

12 A. I went about my normal day.

13 MS. PARROT: If I may just to maybe
14 clarify a point.

15 EXAMINER STENMAN: Yes.

16 - - -

17 CONTINUED DIRECT EXAMINATION

18 By Ms. Parrot:

19 Q. Officer Kernik, I just want to be sure
20 the record is clear in terms of why you stopped this
21 particular vehicle for an inspection.

22 Sounds like initially you made the stop
23 based on a statistical selection process; is that
24 correct?

25 A. Yes.

1 Q. That this was the fifth vehicle that
2 passed your way.

3 A. Yes.

4 Q. And so you made the stop on that basis.
5 But then you also checked through the Leads program
6 for the safety rating of the carrier and found that
7 that score was at a level that required an inspection
8 as well; is that correct?

9 A. Yes. And then on the Aspen program.

10 Q. So really the inspection occurred for
11 both of those reasons I guess.

12 A. Correct.

13 MS. PARROT: Thank you. Nothing further.

14 EXAMINER STENMAN: Mr. Holliday, do you
15 have any questions based on those questions?

16 MR. HOLLIDAY: No. I'm fine with it.

17 EXAMINER STENMAN: Okay.

18 MS. PARROT: I would renew my motion to
19 admit Staff Exhibit 1 into the record.

20 EXAMINER STENMAN: Do you have any
21 objections to Staff Exhibit 1 being admitted?

22 MR. HOLLIDAY: Not at all.

23 EXAMINER STENMAN: Staff Exhibit 1 will
24 be admitted.

25 (Exhibit admitted.)

1 EXAMINER STENMAN: You're excused.

2 You may call your next witness.

3 MS. PARROT: At this time the staff calls
4 Jonathan Frye to the witness stand.

5 (Witness sworn.)

6 EXAMINER STENMAN: Mr. Holliday, do you
7 have any objections to the amount or the manner in
8 which the fine was calculated?

9 MR. HOLLIDAY: I do but at that point in
10 time I'll hold until we are done here. I do have an
11 objection to the amount.

12 EXAMINER STENMAN: Okay. Please have a
13 seat.

14 (Witness sworn.)

15 EXAMINER STENMAN: Ms. Parrot, you may go
16 ahead.

17 - - -

18 JONATHAN FRYE

19 being first duly sworn, as prescribed by law, was
20 examined and testified as follows:

21 DIRECT EXAMINATION

22 By Ms. Parrot:

23 Q. Good morning, Mr. Frye.

24 A. Good morning.

25 Q. Would you please state and spell your

1 name for the record?

2 A. Jonathan, J-o-n-a-t-h-a-n, Frye, F-r-y-e.

3 Q. Thank you.

4 What's your business address?

5 A. Public Utilities Commission of Ohio, 180
6 East Broad Street, 4th Floor, Columbus, Ohio 43215.

7 Q. And is the Public Utilities Commission of
8 Ohio your employer?

9 A. Yes.

10 Q. And how long have you been employed with
11 the Commission?

12 A. Approximately 20 years.

13 Q. In what capacity are you currently
14 employed?

15 A. I'm the Chief of the Compliance Division.

16 Q. And what do your duties as chief involve?

17 A. To supervise compliance officers, to
18 review the assessments that are assessed against
19 drivers, shippers, and carriers.

20 Q. And have you received any special type of
21 training or do you hold certifications that help you
22 perform your job?

23 A. I've gone through the North American out
24 of service training, hazardous materials training,
25 and bulk packaging training.

1 Q. Thank you.

2 I believe you mentioned that you review
3 assessments that are made against carriers and
4 drivers. Would you please tell us more about how
5 that process works?

6 A. Once the inspection occurs, the inspector
7 will upload the information into our mainframe.
8 Based upon the violations that were written, the code
9 cites that are written, we have a monetary amount
10 that corresponds to the code cite that's written.
11 The computer will generate a fine based upon the code
12 site. A letter is generated and sent to the carriers
13 or drivers.

14 Q. As part of your official duties have you
15 had the opportunity to review the staff's file for
16 this case?

17 A. Yes.

18 MS. PARROT: May I approach the witness?

19 EXAMINER STENMAN: You may.

20 Q. Mr. Frye, I have handed you what's been
21 marked as Staff Exhibit No. 1 for identification
22 purposes. Do you recognize this document?

23 A. Yes.

24 Q. Would you identify it for us please?

25 A. It is a Driver/Vehicle Examination

1 Report.

2 Q. And is this report regularly maintained
3 by the Commission staff in the ordinary course of its
4 business?

5 A. Yes.

6 Q. Would you please tell us how this report
7 reaches the Commission?

8 A. It's uploaded into our mainframe by the
9 inspector who generates the report or who conducts
10 the report or the inspection. And the information is
11 downloaded into our computer system and the computer
12 based upon particular code cite will assess a fine
13 associated with the code cite that's written.

14 Q. And then what happens at that point?

15 A. After the -- after a fine is generated we
16 will print off a letter. A letter is sent to the
17 driver by certified mail that tells -- that informs
18 the driver that they have the opportunity to either
19 pay the fine or to request a telephone conference to
20 discuss it further.

21 Q. Thank you.

22 If you would please direct your attention
23 to the middle of the first page of Staff
24 Exhibit No. 1, there's a section headed "Violations."
25 Do you see that?

1 A. Yes.

2 Q. It looks like there were a number of
3 violations that were cited in this case. For which
4 of these violations did the staff elect to assess
5 civil forfeiture?

6 A. For 391.11.

7 Q. And why is that violation the only one
8 that has resulted in the assessment of a forfeiture
9 in this case?

10 A. Because the particular code cite is a
11 cite to the driver himself. So we will assess a
12 monetary fine to the driver.

13 Q. Thank you very much.

14 And I believe you've mentioned that that
15 fine amount is determined based on the particular
16 code section that's been cited; is that correct?

17 A. That's correct.

18 MS. PARROT: May I approach the witness
19 again, your Honor?

20 EXAMINER STENMAN: You may.

21 Q. Mr. Frye, I've handed to you a copy of
22 what's been marked as Staff Exhibit No. 2.

23 MS. PARROT: And, your Honor, I would
24 request that this document be so marked at this time.

25 EXAMINER STENMAN: It will be so marked.

1 (Exhibit marked.)

2 Q. Mr. Frye, do you recognize this document?

3 A. Yes.

4 Q. And would you identify it for us please?

5 A. It is the Compliance Division's fine
6 schedule.

7 Q. What type of information does this
8 document contain?

9 A. It contains four different groups along
10 with the various code cites from the Federal Motor
11 Carrier Safety Regulations, and in addition to the
12 code cites it contains the monetary dollar amount
13 that should be assessed in the event that a driver or
14 carrier is cited.

15 Q. And would you please tell us how this
16 document was used to determine the amount of the
17 forfeiture that's been assessed in this case?

18 A. Yes. Based upon the fact that the driver
19 was issued a violation of 391.11, it would fall into
20 our fines or the violations are broken up into groups
21 1 through 4.

22 Typically group 4 violations are
23 miscellaneous types of violations and their dollar
24 amount can range anywhere from \$100 on up to \$1,000.
25 And it's based upon a Commercial Motor Vehicle Safety

1 Alliance recommended fine schedule as well.

2 So when -- in this particular case the
3 driver was cited for 391.11 violation. On page 3 of
4 the fine schedule under "Section" it has 391.11,
5 should be a group 4 violation, and then next to it
6 says "Driver qualification," there's \$250 assessment
7 for that type of violation.

8 Q. Thank you.

9 Is Staff Exhibit No. 2 regularly
10 maintained by the Commission staff in the ordinary
11 course of business?

12 A. Yes.

13 Q. And was this fine schedule in effect for
14 inspections occurring on May 27, 2009?

15 A. Yes.

16 Q. What actually is the effective date of
17 this fine schedule?

18 A. October 1, 2008.

19 Q. And you're looking at page 1 of Staff
20 Exhibit No. 2; is that correct --

21 A. Correct.

22 Q. -- for that information?

23 A. That's correct.

24 Q. And I believe you mentioned that the
25 dollar amounts here are consistent with the standards

1 of the Commercial Vehicle Safety Alliance; is that
2 correct?

3 A. That's correct, yes.

4 Q. And the process that you've described for
5 assessing forfeitures, is that also consistent with
6 the recommendations of the Commercial Vehicle Safety
7 Alliance?

8 A. Yes.

9 Q. Is this fine schedule used consistently
10 by your staff in assessing forfeitures against
11 drivers and carriers?

12 A. Yes.

13 Q. And was the forfeiture in this particular
14 case properly determined in your opinion?

15 A. Yes.

16 Q. Is the \$250 amount reasonable in your
17 opinion?

18 A. Yes.

19 Q. And is that the amount that you would
20 recommend to the Commission?

21 A. Yes.

22 Q. I believe you also mentioned that letters
23 are generated and mailed to carriers and drivers; is
24 that correct?

25 A. That's correct.

1 Q. And was a letter mailed in this case to
2 Mr. Holliday to inform him of the assessment of the
3 forfeiture?

4 A. Yes.

5 MS. PARROT: May I approach the witness,
6 your Honor?

7 EXAMINER STENMAN: You may.

8 MS. PARROT: Your Honor, at this time I
9 would ask that Staff Exhibit No. 3 be marked for
10 identification purposes.

11 EXAMINER STENMAN: It will be so marked.

12 (Exhibit marked.)

13 Q. Mr. Frye, do you recognize what's been
14 marked as Staff Exhibit No. 3?

15 A. Yes.

16 Q. Would you identify it?

17 A. It is the Notice of Apparent Violation
18 Intent to Assess Forfeiture letter.

19 Q. What's the purpose of this letter?

20 A. To advise respondent, the driver, of our
21 intent to assess a forfeiture and to provide him with
22 notice of that.

23 To also inform him that he has the option
24 of either paying the violation or to make a request
25 for a conference to dispute the violation.

1 Q. Is this an accurate representation of the
2 actual letter that was mailed to Mr. Holliday?

3 A. Yes.

4 Q. And is Staff Exhibit No. 3 regularly
5 maintained by the Commission staff in the ordinary
6 course of business?

7 A. Yes.

8 MS. PARROT: May I approach the witness
9 again, your Honor?

10 EXAMINER STENMAN: You may.

11 MS. PARROT: Your Honor, I would like to
12 mark Staff Exhibit No. 4 for identification purposes.

13 EXAMINER STENMAN: It will be so marked.

14 (Exhibit marked.)

15 Q. Mr. Frye, do you recognize Staff
16 Exhibit No. 4?

17 A. Yes.

18 Q. Please identify it for us.

19 A. It's a Notice of Preliminary
20 Determination.

21 Q. Was this letter also mailed to
22 Mr. Holliday?

23 A. Yes.

24 Q. Is Staff Exhibit No. 4 an accurate
25 representation of the letter that was actually mailed

1 to Mr. Holliday?

2 A. Yes.

3 Q. And what is the purpose of this letter?

4 A. To advise the respondent driver of our
5 findings and to provide him with notice about he can
6 either pay the fine or how he can go about contesting
7 the monetary amount and the violation, the next
8 level.

9 Q. And is Staff Exhibit No. 4 regularly
10 maintained by the Commission staff in the ordinary
11 course of business?

12 A. Yes.

13 MS. PARROT: I have no further questions
14 for this witness, your Honor.

15 EXAMINER STENMAN: Mr. Holliday, you have
16 any questions for this witness?

17 MR. HOLLIDAY: No, I do not at this time.

18 EXAMINER STENMAN: The Bench has nothing.
19 You are excused.

20 MS. PARROT: At this time the staff would
21 move for the admission of Staff Exhibits No. 2, 3,
22 and 4.

23 EXAMINER STENMAN: Do you have any
24 objections, Mr. Holliday?

25 MR. HOLLIDAY: No, I do not.

1 EXAMINER STENMAN: Staff Exhibits No. 2,
2 3, and 4 will be admitted.

3 (Exhibits admitted.)

4 MS. PARROT: The staff has no further
5 witnesses, your Honor.

6 EXAMINER STENMAN: Does this complete
7 your case then?

8 MS. PARROT: It does, your Honor.

9 EXAMINER STENMAN: Mr. Holliday, I'm
10 assuming you don't have any witnesses. If you'd like
11 to make a statement?

12 MR. HOLLIDAY: Yes, I would.

13 EXAMINER STENMAN: Why don't you come up
14 here and take the stand, we'll swear you in.

15 (Witness sworn.)

16 EXAMINER STENMAN: You can go ahead and
17 have a seat and you can make your statement when
18 you're ready.

19 - - -

20 STEVEN HOLLIDAY
21 being first duly sworn, as prescribed by law, was
22 examined and testified as follows:

23 DIRECT TESTIMONY

24 THE WITNESS: My question basically is
25 going to fall on with Exhibit 1. As we heard Officer

1 Kernik say, this commercial vehicle was put out of
2 service and if we go back to Exhibit 1 of being on
3 put out of service and could not operate this
4 vehicle.

5 I drove that vehicle off that day. With
6 glasses, and with brakes repaired. So therefore I
7 had glasses, and I had also the brakes repaired which
8 he signed off on which he should have a letter.

9 I went to Officer Kernik when he first
10 inspected the vehicle when he did his initial
11 walk-around and I said I knew I had them when I came
12 across the scale, I set them on my bag. After he
13 wrote this vehicle up, went back, they had fell off
14 because they had sat on the scales for so long.

15 And when I -- after coming back and he
16 did the initial around and I gave him my license and
17 my DOT medical card, he never asked me for glasses.

18 It was upon after doing the brake
19 inspection as noted in the violations portion is when
20 he asked me the letter and said that he was putting
21 me out of service.

22 When he went back to the building, upon
23 going back to the building I walked back over and I
24 opened the passenger side door, that's when I found
25 my glasses. I showed them to Officer Kernik, he said

1 well, you still can't go nowhere until a mechanic
2 comes.

3 And that was the problem, I was going
4 through my bag looking for my phone to call the
5 company to let them know that I had been put out of
6 service for the brakes. And that's when I found the
7 glasses on the other side because that's, as I say, I
8 stayed on the scales entirely too long behind an
9 oversized and I never drove the vehicle but from the
10 scales back to the back.

11 Because I knew I was on -- I knew that it
12 was empty and I knew I had just got the tractor back
13 on Monday, which we rent from Ryder, and the trailer
14 was just inspected on Saturday. And at that point I
15 knew it shouldn't have been any violations, but he
16 found the violations.

17 And if you look at the glasses which
18 should have been first, if he had asked me right then
19 and there, it wouldn't have fell after he done the
20 inspection initially.

21 So that's my point in being here today.
22 If you say I was out of service because of glasses, I
23 would have never been able to leave.

24 EXAMINER STENMAN: Do you have anything
25 else?

1 THE WITNESS: That's all I have to say
2 today.

3 Oh, one more thing, I understand that
4 Federal Motor Carriers have pretty much set, as he
5 said, a set standard fee, but for brakes and
6 violations you get \$150, and to have glasses and just
7 not have them at that particular moment or when asked
8 because you can't find them, you get \$250. It's kind
9 of excessive. So but what can you do.

10 - - -

11 EXAMINATION

12 By Examiner Stenman:

13 Q. Okay. I just want to clarify what you're
14 telling me here.

15 You're saying that he never asked you
16 about your glasses, that's your position.

17 A. He asked me -- after he inspected the
18 vehicle he asked me for my driver's license, he -- my
19 driver's license and DOT medical, which they normally
20 do. And I gave it to him.

21 We did the complete walk-around. He said
22 I'm going to inspect the vehicle. He went up under
23 the hood, up under the back, I sat there and I
24 adjusted the brakes.

25 When he came back to me after this was

1 done that's when he asked me for the glasses. That's
2 why the last thing on here was the glasses.

3 Q. And what did you say when he asked you?

4 A. I said I know I have them, because I know
5 I did. Once he went back up to the building I walked
6 up with him, I came back, I opened the driver's side
7 door and they were on the floor. Because like I
8 said, reaching for my bag and pulling the stuff out
9 of my bag calling my company, telling them I had been
10 put out for violations, that's when I found it.

11 He rolled it up and handed me the paper
12 right by his car. At that point he said would you
13 back your vehicle up, as he said, facing the highway,
14 which I did.

15 After they signed off of fixing the brake
16 adjustments I had my glasses, I said Officer Kernik,
17 I got the glasses here, they fixed the brakes, he
18 said you're free to go.

19 Q. So you didn't tell him you had the
20 glasses though until after the brakes were fixed?

21 A. No. No. No. This was before the brakes
22 was fixed. This was before the brakes was fixed
23 because I had to have an outside company come in.

24 But I had found the glasses. As soon as
25 he handed me the paper and I went back to the -- I

1 mean before he handed me the paper because he had to
2 go up to the office and ask the questions about
3 something.

4 And I went to back to the car -- back to
5 the truck and then when I opened the passenger side
6 door, that's when I seen the glasses. They had fell
7 out of my bag. I told him I knew I had them because
8 I was sitting right there with them waiting on the
9 scales

10 Q. So I'm just a little unclear, and this
11 may be on my part. So you go to your vehicle, you
12 open the door, you find your glasses. Do you then
13 back the vehicle into the spot or do you --

14 A. I went back to Officer Kernik.

15 Q. And you said "here."

16 A. "I found my glasses."

17 I had told him this from the initial
18 before he had even written this up. And after he
19 went back and he had to ask the officer about
20 something. And he said well, you're still out of
21 violation -- you're still in violation because of the
22 brakes. And once the brakes -- I said well, I got
23 the company on the way.

24 I backed up like he told me, backed into
25 the hole with the nose facing I-70, and once he came

1 in he adjusted the brakes, he signed off saying okay,
2 he let me go.

3 Because if I couldn't, I couldn't be able
4 to drive. It would be almost just like driving
5 without a driver's license.

6 EXAMINER STENMAN: Okay.

7 - - -

8 EXAMINATION

9 By Exainer Farkas:

10 Q. So you're saying that the glasses were
11 in --

12 A. They were in my bag -- they were on top
13 of my bag. I set them on top of my bag because we
14 were sitting on the scales as just -- I don't know if
15 you know what a scale, actually a scale. And there
16 was an oversize load up there and they kept him on
17 the scales for so long.

18 I don't know why but they pulled him
19 around and there was a truck in front of me, they
20 pulled him around, they pulled me around.

21 And as I went forward, Officer Kernik the
22 whole time was outside. Because I was sitting there
23 watching him. I know Officer Kernik from previous
24 encounters there.

25 And I pulled the plugs on the truck and I

1 walked over to him and at that point that's when he
2 told me well, we're going to do an inspection on your
3 vehicle today. He was not at the window, he was
4 outside.

5 Q. And the glasses you're saying were in the
6 cab of the vehicle?

7 A. Yes. They were on top of my bag.

8 Now, once he said give me your driver's
9 license and DOT card and your books, I went inside,
10 grabbed off the side of the door, gave him the book,
11 gave him my license and DOT medical, did a basic
12 walk-around. After he punched this information in he
13 gave me my license back and my DOT medical card back.
14 And he -- that was it.

15 Once he found the violations of the
16 brakes, then he asked for my license again. He did
17 not ask for the DOT medical card again. He just
18 asked for my license. And that's when he asked about
19 the glasses.

20 At that point, like I said, I'm
21 scrambling for telephones so I can call the company
22 and tell them that I had been put in violation.

23 So after he writes all this up he goes
24 back to the office there and he's talking to another
25 gentleman I guess, I don't know what it was. And I

1 went back to the truck.

2 When I opened the door to get my regular
3 cell phone because I had gotten in touch to the
4 company because they were going to call me on my cell
5 phone to find out, that's when I noticed the glasses
6 was right there on the floor, they had fallen off.
7 And I went back to him and said here. He said okay.

8 So after the guy comes, and like I said,
9 I backed the truck up. I backed the truck up and I
10 pulled it out of there after all the violations were
11 fixed.

12 Q. So you -- are you saying you entered the
13 scale with your glasses on?

14 A. No, I did not. I did not cross the scale
15 with the glasses on. Because like I said, we sat
16 there so long I had them in my hand and after waiting
17 on this oversize truck to leave, that's when I set
18 them on my bag. Because I'm thinking we're going to
19 roll.

20 But when he threw the red light on me, I
21 just swung around the back. And obviously they must
22 have fell off but that's where they were and I was
23 looking everywhere because I knew I had them.

24 MS. PARROT: Just a few questions if I
25 may.

1 EXAINER FARKAS: Just one more thing.

2 Q. Are you saying then that you told him --
3 I think what you said is that when you showed him
4 your glasses you say the officer said "okay"?

5 A. Yes. Right. He did. I went inside and
6 showed him my glasses. I said "Officer Kernik, here
7 are my glasses." And he was like "Okay."

8 EXAINER FARKAS: Go ahead.

9 MS. PARROT: Thank you, your Honors.

10 - - -

11 CROSS-EXAMINATION

12 By Ms. Parrot:

13 Q. Just to clarify a few points, make sure I
14 understand your testimony correctly.

15 First off, you're not disputing you have
16 a restriction on your driving privileges that
17 requires you when operating a vehicle to wear either
18 glasses or contacts?

19 A. No. That was -- I've been having my
20 license pretty much for 36 years. I've -- not only
21 through the Ohio, I've been stopped and pulled over
22 in pretty much every state that has a DOT place, I've
23 never had a problem, and that's been like 36 years.
24 As I said, no, never had a problem.

25 Q. So you've been required during those 36

1 years to wear glasses or contacts?

2 A. Well, from the initial, yes. Yes. And I
3 also keep either these or a pair of prescription
4 reading glasses with me at all times anyway. Which I
5 showed him. Was not my -- which is these glasses or
6 a regular, but I have a pair of prescription glasses
7 too.

8 EXAINER FARKAS: And "him" you're
9 referring to the office, sir?

10 A. I'm sorry, Officer Kernik. I'm sorry.

11 Q. And I think the Bench has done a good job
12 of trying to clarify the sequence of events, but I
13 want to go over it one more time, make sure I
14 understand.

15 So it was your testimony that you were
16 wearing your glasses while you were on Interstate 70
17 driving.

18 A. Right.

19 Q. You reached the scales, you had your
20 glasses on at that point and then you were waiting in
21 a line of vehicles.

22 A. Right.

23 Q. And at that point you removed your
24 glasses.

25 A. That's when I removed my glasses. And

1 like I said, sitting on the scale, oversize, you've
2 seen them on the highway, and why they had him up
3 there so long, I don't know, but at that point it was
4 like okay, what you going to do, either pull him or
5 let us go.

6 And as I approached, like I said, when
7 they took off, I rolled along five miles an hour, I
8 had my glasses here. But when he swung me around and
9 made me come to the back of the station, I pulled the
10 plugs, I got out and I met him on the outside of the
11 truck, and that's when he told me that they were
12 going to do I guess level 1 inspection.

13 Q. So while you were in the line waiting.

14 A. Is when I removed my glasses.

15 Q. You removed them at that point.

16 A. That is correct.

17 Q. You set them on a bag or something?

18 A. On my bag that I carry with my logbook.

19 On top of the bag with the logbook.

20 Q. And the glasses remained there it's your
21 testimony until you found them later.

22 A. Correct.

23 Q. So you did move your vehicle from the
24 point at which you removed them when you were in the
25 line.

1 A. Uh-huh.

2 Q. Moved the vehicle, then you were moved
3 how far? To the point where you were inspected.

4 A. Across the scale to the back, 15,
5 20 feet. If that far.

6 Q. Is that your testimony? I'm just asking
7 for approximation.

8 A. Approximately 15, 20 feet.

9 Q. And so at that point the glasses were
10 still over --

11 A. On the seat in the back.

12 Q. -- on the passenger side.

13 A. That is correct.

14 Q. So then you were stopped, inspected, and
15 then at that point you discovered glasses on the
16 passenger side of the vehicle.

17 A. That is correct.

18 Q. That's your testimony today?

19 A. That is correct.

20 Q. And you also have testimony that you then
21 presented those glasses to Officer Kernik.

22 A. That is correct. I mean he's here. I
23 would have to -- because as I said, without glasses
24 it's almost driving without a driver's license, which
25 at that point he could hold me for forever until it

1 was proof of it.

2 Q. Thank you.

3 MS. PARROT: May I have a moment, your
4 Honors?

5 EXAMINER STENMAN: Go ahead.

6 (Off the record.)

7 MS. PARROT: We have no further questions
8 for the witness. Thank you.

9 EXAMINER STENMAN: Do you have anything
10 else, Mr. Holliday?

11 MR. HOLLIDAY: No, I do not.

12 EXAMINER STENMAN: You can step down.

13 MS. PARROT: Your Honor, if it's okay
14 with the Bench, I believe we would like to recall
15 Mr. -- officer Kernik for rebuttal testimony.

16 EXAMINER STENMAN: Go ahead.

17 MS. PARROT: Staff calls again Officer
18 Kernik to the stand.

19 EXAMINER STENMAN: I'll just remind you,
20 Officer Kernik, that you're still under oath.

21 MS. PARROT: Thank you, your Honors.
22 Just a few follow-up questions.

23 - - -

24

25

1 ROBERT KERNIK

2 being previously duly sworn, as prescribed by law,
3 was examined and testified as follows:

4 FURTHER DIRECT EXAMINATION

5 By Ms. Parrot:

6 Q. Officer Kernik, if you'd please direct
7 your attention to what's been marked as Staff
8 Exhibit 1, the violations section, and particularly
9 the order of violations that is listed there. Is
10 there any particular reason for the order of the
11 violations?

12 A. Yes. I write the violations as I'm going
13 through the inspection, on a separate notepad, 1
14 through whatever how many I find.

15 Q. So they're listed there in the order that
16 you discovered them during your inspection?

17 A. Yes. License information is completion
18 of the report I do after I get back into my cruiser.
19 The first part on this DOT number, get the company
20 information and stuff. Then I go ahead and do the
21 inspection and get the documents.

22 After I'm done doing all the brakes and
23 everything, then I get the documents and look at
24 them, registration bills, when they apply, logbook,
25 license, medical card.

1 And medical card all I have to do, look
2 at the date on it, match the name, date of exam, date
3 of registration. Take the license back to the car
4 and get this and fill out the report.

5 After I enter the driver information
6 running on Leads and verify that it's valid or not
7 valid or any restrictions. That's why the driver
8 violation would appear last.

9 Q. Thank you for that explanation.

10 Were you in the room when Mr. Holliday
11 testified? Just now --

12 A. Yes.

13 Q. -- today?

14 And so you heard his testimony

15 A. Yes.

16 Q. I believe he testified that he presented
17 a pair of glasses to you at some point during the
18 inspection, that he found them somewhere around the
19 passenger side of his vehicle and that he presented
20 those to you. Is that your recollection?

21 A. It would not have been during the
22 inspection. I would not have written the violation.
23 When I asked about the glasses or contacts it is
24 during the inspection. That's when I need to see
25 those.

1 By the completion of the inspection they
2 cannot produce their glass, contacts, then the
3 violation. If the glasses were produced to me during
4 the inspection, I would not have listed the
5 violation. I need to see them upon command.

6 Q. And he also I believed testified that he
7 came to you at some point showing you a pair of
8 glasses and that the brake violations had been
9 remedied and you said something to the affect of
10 "okay, you're free to go."

11 MS. PARROT: I hope I'm not paraphrasing
12 too much there.

13 Q. Is that your recollection?

14 A. Yes.

15 Q. So you do recall that he came to you?

16 A. Well, apparently if he left he had to
17 show something if I was still there.

18 Q. But do you recall --

19 A. Particularly in that day, that case at
20 the end of the day, I don't recall. I've done
21 probably close to a thousand inspections on other
22 vehicles since then.

23 Q. So you don't remember whether or not the
24 out of service violations were remedied in this case?

25 A. Well, if he drove out of there they would

1 have had to been. But I could go back through my
2 records to see if I issued a verification of vehicle
3 repairs for brakes being out, but we have no such
4 document for driver violation.

5 Q. You don't personally recall witnessing
6 Mr. Holliday driving the vehicle out of the scales?

7 A. No, I don't.

8 MS. PARROT: I believe I have no further
9 questions.

10 EXAMINER STENMAN: So you don't remember
11 if he ever showed you glasses?

12 THE WITNESS: I don't remember. Just
13 what I do during my inspection process beginning till
14 I sign off.

15 - - -

16 EXAMINATION

17 By Exainer Farkas:

18 Q. And before he -- and during when you put
19 him out of service his vehicle would have been at the
20 scales.

21 A. Yes.

22 Q. And in order to leave that scales he
23 would have had to correct the out of service
24 violation.

25 A. Yes.

1 Q. So he couldn't have moved the truck or
2 the truck couldn't have been moved by anyone unless
3 the out of service --

4 A. Not out on the public road.

5 Q. Not unless the violations were corrected.

6 A. Unless the violations were corrected.

7 Q. But you don't recall whether or not
8 Mr. Holliday came to you and showed you his glasses
9 at any time.

10 A. Not that particular day I don't.

11 Q. Either during the inspection or after the
12 inspection.

13 A. No. He didn't -- certainly didn't
14 produce them during the inspection because if he
15 would have, I wouldn't have written the violation.

16 Q. But after the inspection was completed
17 you don't recall whether or not he came to you and
18 showed you glasses.

19 A. No, I don't recall it. Possibly did, I
20 just, like I say, I do so many thousand inspections,
21 it's hard to pick out one particular instance.

22 Q. And it's your testimony though that even
23 if he had produced glasses you wouldn't have removed
24 that out of service violation because he didn't
25 produce the glasses during the inspection?

1 A. During the inspection. The violation
2 existed at the inspection time. From the time I
3 asked for the glasses until I was complete with the
4 inspection and signed off on it, gave him his copy of
5 the inspection and informed him that he was out of
6 service for the brakes, vehicle out of service, the
7 brakes, and he was out of service for the glasses.
8 And had him park the truck.

9 Had he -- he did not show me any glasses
10 at the completion of the inspection. When I went up,
11 Mr. Holliday, here's your copy of the inspection,
12 blah, blah, blah, you're out of service for these
13 violations. Unfortunately you don't have your
14 glasses, you're out of service. Park the truck.

15 He did not have them on him at that
16 instance to show me. He brought them in later. I
17 don't recall if he did then. I had -- then the out
18 of service condition on him would have been lifted
19 but the violation still existed because he did not
20 have them during the inspection.

21 Q. And even if he wasn't -- strike that.

22 You put him out of service and he could
23 not drive the commercial motor vehicle until he had
24 glasses; is that correct?

25 A. Right.

1 Q. And but you don't recall whether or not
2 he produced glasses.

3 A. No, I don't recall that particular
4 instance. He drove out of there and came back in
5 then and he says I said let him go or I would not
6 have let him go.

7 Q. And you don't recall whether he showed
8 you glasses and you said okay.

9 A. No, I don't recall that. Very busy
10 inside the buildings and things. And we have no
11 documentation for verification forms for drivers
12 because of an out of service condition.

13 EXAMINER STENMAN: Do you have any
14 questions? Any follow-up?

15 MS. PARROT: No, your Honor.

16 EXAMINER STENMAN: Officer Kernik, you're
17 excused.

18 Anything else from staff?

19 MS. PARROT: No, your Honor.

20 EXAMINER STENMAN: Anything else,
21 Mr. Holliday?

22 MR. HOLLIDAY: No.

23 EXAMINER STENMAN: Seeing that we have
24 nothing else to come before us at this time, this
25 case will be submitted on the record and the hearing

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

is adjourned.

(Hearing adjourned at 10:57 a.m.)

- - -

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on 27th, January, 2010, and carefully compared with my original stenographic notes.

Julieanna Hennebert, Registered Professional Reporter and RMR and Notary Public in and for the State of Ohio.

My commission expires February 19, 2013.

(JUL-1512)

- - -

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

2/10/2010 10:05:16 AM

in

Case No(s). 09-0859-TR-CVF

Summary: Transcript Transcript of Steven Holiday hearing held on 01/27/10. electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Hennebert, Julieanna Mrs.